

REMARKS/ARGUMENTS

Applicants' representative wishes to thank Examiner Haddad and his Supervising Examiner for the courtesy of considering draft claims for the present application and for the telephone discussions of July 22 and 23 regarding the same. Claims 3-4, 22-24, 38 and 42-44 are pending. Claims 4, 22, 23, 38, and 42-44 have been cancelled and claims 3 and 24 will be pending upon entry of the Instant amendment. Claim 3 has been amended to incorporate the subject matter of claim 23. Claim 24 has been amended to depend from claim 3. No new matter is added by these amendments.

While not agreeing with the rejections of the present Office Action discussed below and in the interest of compact prosecution, it is submitted that each of the rejections have been overcome by the above-made amendments. Applicants reserve the right to pursue patent protection on all cancelled subject matter in continuation applications.

Objections to Claims

Claims 43 and 44 have been objected to as depending from withdrawn claims. These claims have themselves been cancelled and therefore this objection is now moot.

35 U.S.C. 112, First Paragraph

Claims 3-4, 22-24, 38, and 42-44 are rejected under 35 U.S.C. 112, first paragraph as allegedly lacking enablement. While not agreeing with the rejection, claims 4, 22, 23, 38, and 42-44 have been cancelled and claims 3 and 24 have been amended to recite subject matter which is acknowledged on page 4, second full paragraph of the Office Action as enabled.

It is respectfully submitted that this rejection is now moot and withdrawal is requested.

35 U.S.C. 112, First Paragraph

Claims 3-4, 22-24, 38, and 42-44 are rejected under 35 U.S.C. 112, first paragraph as allegedly lacking an adequate written description to demonstrate that Applicant's had possession of the claimed invention. While not agreeing with the rejection, claims 4, 22, 23, 38, and 42-44 have been cancelled and claims 3 and 24 have been amended to recite subject matter which is acknowledged on page 5, third full paragraph (indented) of the Office Action as adequately described such that Applicants had possession of the claimed invention.

It is respectfully submitted that this rejection is now moot and withdrawal is requested.

35 U.S.C. 102

Claims 3-4, 22-23, 38 and 43 are rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 5,969,102 ("the '102 patent"), evidenced by Ware (J. Exp. Med., 192:F35-F37, 2000) essentially for the reasons set

forth in paper no. 11 mailed 7/16/2002. The Office Action alleges that the teachings of the '102 patent inherently encompass the presently claimed invention. This rejection focuses on the use of SEQ ID NO:15 in the methods of the claims. While not agreeing with the rejection, Applicants have cancelled the rejected subject matter for prosecution in future applications. Accordingly, it is respectfully submitted that this rejection is now moot and withdrawal is requested.

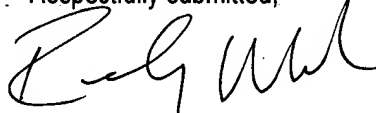
35 U.S.C. 103

Claims 22-24, 38 and 43-44 are rejected under 35 U.S.C. 103 as obvious in view of U.S. Patent No. 5,969,102 ("the '102 patent"), evidenced by Ware (*J. Exp. Med.*, 192:F35-F37, 2000) and U.S. Patent No. 6,165,745 ("the '745 patent") essentially for the reasons set forth in paper no. 11 mailed 7/16/2002. This rejection again focuses on the use of SEQ ID NO:15 in the methods of the claims. While not agreeing with the rejection, Applicants have cancelled the rejected subject matter for prosecution in future applications. Accordingly, it is respectfully submitted that this rejection is now moot and withdrawal is requested.

CONCLUSION

It is submitted that the presently pending claims are now in form for allowance and allowance is earnestly requested. Should a telephone call help facilitate prosecution of this application, the Examiner is encouraged to telephone the undersigned attorney at the number listed below.

Respectfully submitted,



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